

12.403 CRIME VICTIM/WITNESS NOTIFICATION AND ASSISTANCE

References:

Ohio Revised Code Chapter 2930 - Victims' Rights
 Ohio Revised Code 2933.41 - Disposition of property held by law enforcement agency; written internal control policy; records and reports; funding citizens' reward programs
 Ohio Revised Code 2933.42 - Offenses involving contraband; forfeiture of property used in committing violation
 Ohio Revised Code 2933.43 - Procedure for seizure and forfeiture of contraband; law enforcement agency authorized to use, destroy, or sell forfeited contraband; distribution of proceeds of sale
 Ohio Revised Code 109.42 - Victim's bill of rights pamphlet
 United States Code - Violent Crime Control and Law Enforcement Act of 1994

Definitions:

Crime means any Felony or any violation of Ohio Revised Code (ORC) Sections 2903.05 Negligent Homicide, 2903.06 Aggravated Vehicular Homicide, 2903.13 Assault, 2903.21 Aggravated Menacing, 2903.21.1 Menacing by Stalking, 2903.22 Menacing, 2907.06 Sexual Imposition, 2919.25 Domestic Violence, and 2921.04 Intimidation of Crime Victim or Witness (as outlined in ORC 2930.01 Definitions).

Victim means a person who is identified as the victim of a crime in a police report or in a complaint, indictment, or information charging the commission of a crime.

Notice under ORC Chapter 2930 will be given to a victim by any means reasonably calculated to provide prompt actual notice. Notice may be oral or written.

Policy:

Department personnel are responsible for providing proper notification and assistance to victims and witnesses of crime as outlined in the ORC 2930 Victims' Rights section.

It is incumbent upon investigators assigned cases whose offenses are outlined in ORC section 2930.01, to provide assistance to and follow-up with victims and witnesses as required under the victim's rights statute.

Procedure:

A. When investigating an offense, the victim of the offense, his family, or his dependents must be given a copy of the following:

1. "Your Rights and Responsibilities as a Crime Victim" booklet distributed by the Attorney General of the State of Ohio.
 - a. This booklet can be given to the dependents or the family of the victim if the condition or age of the victim dictates.
2. Telephone number of district or unit that will investigate the offense.
3. Printed list of medical, counseling, housing, and emergency services available to the victim.
4. The business phone number of the Prosecutor of Hamilton County and the City of Cincinnati.
5. Written notification of the victim's right to contact the Police Department to learn the status of the case, if the victim is not notified of the arrest of the offender in the case.

NOTE: The information contained in Subsections 2., 3., 4., and 5. above will be attached to the inside back cover of the Attorney General's booklet.

- B. Distribution of the above listed material will be made in the following manner:
1. A copy will be given to the victim, his family, or dependents on the first contact by the reporting officer.
 2. If the victim, his family, or dependents are unable to understand the significance of the information, it will be given on the second contact by the officer assigned to investigate the offense.
 3. A copy will be given to the victim, his family, or dependents by mail if it was not given on the first contact and there is no second contact in person (includes those specified offenses reported through Telephone Crime Reporting Unit).
 - a. Mailing of information will be the responsibility of the affected district.
 - 1) Responsibility for mailing will be determined by the district commander.
- C. The follow-up investigator will give the victim, his family, or dependents the following information:
1. The business phone number of the investigator.
 2. Notification when the defendant is arrested and if the defendant is eligible for pretrial release.
 3. A contact phone number of the Police Department to ascertain whether the defendant has been released.
 - a. When an arrest is made at the time of an offense and no investigator is assigned to the case, the arresting officer will give the victim the above listed information.
- D. The follow-up investigator is responsible for providing the following assistance to crime victims/witnesses:

1. Explain the procedures involved in the prosecution of their cases.
 2. If the impact upon the victim or witness was unusually severe, make periodic contacts to determine if their needs are being met.
 3. Attempt to schedule interviews, etc. at the convenience of the victim or witness.
 4. Advise the victim that for felony offenses, at the Grand Jury hearing, the Victim/Witness Division of the Hamilton County Prosecutors' office will assign an advocate to provide assistance as needed. The Rape Crisis and Abuse Center of Hamilton County contacts all victims of Domestic Violence and offers advocate services to those victims.
- E. Property of the victim will be returned as soon as possible to the victim by the Police Department unless one of the following applies:
1. There is a dispute of ownership.
 2. It is evidence, contraband, or property used in committing an offense as defined in ORC sections listed below:
 - a. ORC Section 2933.41, Disposition of property held by law enforcement agency; written internal control policy; records and reports; funding citizens' reward programs.
 - b. ORC Section 2933.42, Offenses Involving Contraband, Forfeiture of Property Used in Committing Violations.
 - c. ORC Section 2933.43, Procedure for Seizure and Forfeiture of Contraband; Law Enforcement Agency Authorized to Use, Destroy, or Sell Forfeited Contraband; Distribution of Proceeds of Sale.
 3. If the defendant in a case files a motion to retain the property of the victim because the property is needed for the defense in the case, the Police Department will retain the property until the court rules on the motion.

- F. The Ohio Department of Rehabilitation and Correction will notify the Criminal Investigation Section (CIS) of a prisoner being placed on electronically monitored early release.
 - 1. CIS will make a blotter entry, and advise the affected district of the electronically monitored prisoner's early release.
 - a. The district receiving the information from CIS will make a blotter entry.
 - 2. The CIS coordinator of the Investigative Supervisors meeting will distribute this information at the next meeting.
- G. The U.S. Courts Probation and Parole will notify CIS of the release of a federal prisoner, convicted of a crime of violence or a drug trafficking crime, from the federal system on a supervised release.
 - 1. CIS will make a blotter entry and advise the effected district of the prisoner's early release.
 - a. The district receiving the information from CIS will make a blotter entry.
 - 2. The CIS coordinator of the Investigative Supervisors meeting will distribute this information at the next meeting.